

Over

smoke

Eastern Weather.
Associated Press Dispatches by
The Tribune's Special Leased Wire.
CHICAGO, May 23.—Temperatures at
A. M.—New York, 68; Boston, 68; Philadelphia, 68; Washington, 66; Chicago,

It is the best and cheapest shaving soap in all the world.

Steamers Collide,
Associated Press Dispatches by
The Tribune Special Leased Wire
BERLIN, May 23.—The mail steamer
Reichstag was in collision yesterday with
the Hamburg-American line steamer
Fuerst Bismarck, near Brunsdauher, at
has returned to Hamburg. The Fuer-

C. W. Kinsey, Dealer in New Style Household Furniture, Carpets, Ranges, Etc.
Modern furniture bought, exchanged or sold on installment payments. Cash discounts.

LCST-Wednesday evening, in neighbor-
hood of 175th and W. 42nd St.
gold chain with pearl locket. Brown
Tel. Clay 811.

WOULD LIKE to find the whereabouts
of Lewis Miquet, upholsterer, formerly
of Guatemala. Address M. A. V. 873
Howard, S. F.

GIRL, for general housework wanted
1301 Eighth st. one who sleeps at home

Oakland Tribune

THURSDAY, MAY 23, 1901

JUDGE HART AND THE WATER RATES.

So much has been said about Judge Hart's decision and the consequences that are likely to flow from it, that it is well to bear in mind just what was decided and what was not decided. It is needless to say that the decision itself has been grossly misrepresented and its consequences distorted by exaggeration. This is not unusual in such cases. It is necessary to point out that Judge Hart made no attempt to fix water rates. The constitution expressly invests the Council with that function, and the State Supreme Court has in equally express terms declared that it is not the province of the courts to do so. Judge Hart's decision was in direct line with the rule laid down by the Appellate Court in that as well as all other particular, although representation has been made that he did otherwise.

He decided that the water rates fixed by the late Council were invalid for the following reasons:

1. Because they were fixed arbitrarily, without proper investigation, and in a spirit of hostility to the Water Company.

2. Because they were unjust and confiscatory, inasmuch as they were based upon the undervaluation of the plant.

3. Because a large portion of the property necessarily used in supplying Oakland with water was expressly omitted from the valuation.

Is it not within the common knowledge of every citizen that these findings of fact are true in every particular? It is well known that a majority of the last Council were bitterly hostile to the Water Company, and so expressed themselves in public and private. The Alameda plant was expressly rejected in setting a valuation on the property, and this omission gave a pretext for cutting the rates 25 per cent.

The question of valuation was vital in determining whether the rates were confiscatory or not, and the rate of interest had necessarily to be considered in the same way. From the evidence adduced he found the value of the property to be \$7,000,000, and took the rate of interest the law exacts from debtors as the measure of compensatory earnings in view of the hazards and risks to which the water business is subject. Upon that basis the finding that the rates were not confiscatory, but made no declaration as to what the rates should be.

Judge Hart concluded that the property was worth \$7,000,000 at the present time. He expressly excluded from consideration discarded and unused property, and he simply followed the direction of the Supreme Court in stating that the rates should be fixed so as to afford a reasonable return on the value of the plant at the time they were fixed.

It is seriously regretted that the conclusions to be drawn from the decision constitute a part of the decision itself. This is due to the statement that Judge Hart exercised the rate-making power that the constitution vests in the Council. It is because his findings show that the rates were unfair and unreasonable and unjust that they are misinterpreted. The Council still must fix the rates, but the power to do so is limited to fixing them so as to afford a fair and reasonable return on the value of the property used in supplying water. The power of fixing rates does not imply the power to cut the property nor to compel its use without the owner's consent.

If the rates should be fixed in accordance with Judge Hart's decision they would not be decided. This is another misrepresentation put forth to harrow up the feelings of consumers and an abuse of the press.

In 1899 the gross revenue of the Water Company amounted to something over \$11,000,000, of which \$8,000,000, or 72.7 per cent, was collected within the city limits. If the rates be fixed on Judge Hart's valuation, the gross amount to be collected inside the city would be \$612,000. This is a long way from double the rate. But the city is growing and new services are constantly being inaugurated, which operate to increase the revenues without increasing the rates.

It is not believed that the Water Company has any intention or desire to be exacting in the matter. It has dealt very fairly and liberally with the city in settling the municipal water bills on a basis that permits the schools to be kept open, and there is no reason to believe that it has any purpose to demand rates that might be deemed oppressive.

Having obtained a favorable adjudication of its claims the corporation will probably not insist upon its full rights under the decision for the present. With very little additional expense the plant can be made to supply a much larger population than Oakland now contains. If the city continues to grow as it is growing now, the natural increase in consumers will adjust the rate question without artificial aids. The number of ratepayers is rapidly increasing, both inside and outside the city, and this fact alone will be a large inducement to the company to forego its legal claims to a considerable extent. It is vitally interested in the growth and prosperity of the community, and common sense teaches that it will not pursue a policy that would inevitably result upon itself. That is what the city has done, and the lesson that has been taught is not likely to be lost on all concerned.

It may be said at once, however, that matters are not going to be allowed by misrepresenting the scope and purport of Judge Hart's decision or deliberately magnifying its consequences to the ratepayers, nor by keeping local politics incriminated with an ever burning hydrophobia. Neither will anything be gained by setting aside the false report that property in this city is to be cut off at 50 per cent water rates. This defamatory statement has done enough harm already, being correct in fact it is the bid that the water supplied to Oakland is impure and unhealthy. No city in California has better water than Oakland or has it in greater abundance, and we have confidence that the rates in future will not be exorbitant or unreasonable.

MALICE OF BAFFLED CONSPIRATORS.

The action of Councilman Cuvellier last night was evidently directly inspired by the newspaper that endeavored to blackmail the Water Company out of \$7,000. His plan object was to secure the closing of the High Schools by preventing the payment of the city's water bills. The legal pretexts put forth by the Enquirer are mere figments conjured up to cloud the issue and furnish an excuse for sacrificing the schools and the public interests to the exigencies of a crusade to gratify private malice and cupidity. The Council were ordered not to pay the water bills, and the Auditor and Treasurer were likewise ordered not to honor the demands. In obedience to this slave-driving councilman Cuvellier and Domin turned tail on their votes to accept the offer of President Dingee, and stultified themselves by demanding that water rates for the present year be fixed anew, in the face of the City Attorney's statement that to do so would cut off the city's right to appeal the water case. Cuvellier was guilty of basing this demand upon a hypocritical desire to see that the Water Company got its money. His real object was to prevent that consummation and thus force the closing of the schools.

The malign domination which has directed paltry demagogues of the Cuvellier type in the past was expressly repudiated at the late election. The voters declared that the Enquirer and its crowd had mismanaged the affairs of the city long enough. The advice of that sheet is based upon malice—the fruit of the failure to extort \$7,000 from the Water Company. One of the owners of the Enquirer has been going about the streets stating that he hoped that the water

rates would be more than doubled; that the people deserved that for defeating his crowd. The same individual hopes to see the High Schools closed that he may have a pretext for helping insult on the Council for being incompetent. The attempt to force a decision of legal and constitutional questions in the Council would be absurd if it were not malicious and made to mask a false pretense. When the water bills are ordered paid the legality of the Council's action can properly be questioned and brought under judicial review. The Contra Costa Company has supplied the city with water. Its bills were both legal and just, and the offer to accept the rate that the city has fixed and which the company claims to be just is liberal, while the donation of a large portion of the amount due to the schools can be characterized as magnanimous. The proposition to reject this offer on pretexts that defy common sense and common justice is prompted by a desire to promote strife and is little short of a criminal effort to injure the city and its good name.

BATTLE FOR THE POSSESSION OF SESSIONS' BASIN OPENED

Struggle for Valuable Property in East Oakland—How a Deed Went on Record.

The trouble over the possession of Sessions' Basin, which was chronicled in last evening's TRIBUNE, has caused much speculation and comment in business and real estate circles. Yesterday there was filed with the County Recorder an agreement between the California Improvement Company and E. C. Sessions, which showed how much scheming and cross-playing had been going on between those who are trying to secure possession of and reclaim the 50 acres of valuable marsh land in East Oakland known as Sessions' Basin. The litigants, however, are recalcitrant about the matter, claiming that the various transactions were private business, although in the agreement filed A. D. Wilson is charged with borrowing a quit claim deed to the property to show to his lawyer, when, in reality, he intended to record it for the purpose of clouding the title to the property. The deed mentioned assigned the title of the property from the Improvement Company to Wilson, but it was intended to deliver it to him only after he had complied with certain conditions.

According to those who claim to be on the inside of the deal H. W. Carpenter originally had the title to the land and the California Improvement Company secured an interest in it. In 1890 Allen D. Wilson entered into an agreement with the company, intending to improve the property, but for reasons unexplained failed to fulfill his part of the agreement. He was then given an extension of time, but in the meantime Sessions had made a similar agreement with the company to take the property as soon as Wilson's extension of time expired.

To expedite matters the company had executed a quit claim deed and assignment of the property to Wilson, but he did not deliver it until after the agreement had been made with Sessions. Wilson recently borrowed these documents to show to his lawyer, but when in possession of them, it is alleged, caused them to be recorded, hence the agreement between the California Improvement Company and Sessions filed yesterday.

For years it has been the idea of promoters to fill in Sessions' Basin and convert the present almost useless land into valuable property. Lack of capital and other difficulties have retarded the improvement, but it has never been lost sight of by those interested, and those who should know say that the work will be commenced as soon as the difficulty between Sessions and Wilson is settled. When that will be settled, as it is probable that a long and bitterly contested lawsuit will result.

When seen last evening Mr. Sessions was not pleased that the matter had been made public. "I would not say that Mr. Wilson had been guilty of fraud," he said. "That is too harsh a word to use in connection with private business, in which the general public has no interest. The document on file speaks for itself and does not care to be quoted further, as such as the difficulty between Sessions and Wilson is settled. When that will be settled, as it is probable that a long and bitterly contested lawsuit will result."

J. A. BRITTON MAKES LARGE REDUCTION IN COST OF LIGHT

In a Letter to the City Council He Shows That the Gas Company Is Very Liberal.

At the adjourned meeting of the City Council last night but one bid was received and opened for lighting streets and public buildings. This came from the Oakland Gas Light and Heat Company. City Clerk Rod Church first read the following letter from John A. Britton, president of the Gas Company:

To the Honorable the City Council of the City of Oakland, Cal.:—Gentlemen: We herewith enclose you our bid for the lighting of the streets and public buildings of the city of Oakland, and, as will be observed, another reduction has been made in the price, which will result in a saving to the city.

"This will permit the erection of a number of new lamps and still maintain the expense at a less figure than last year."

In this connection permit us to say that the cost to the city for its lighting for the coming year will be at least \$5,000 less than it was in 1899, when but 420 lamps were lighted; now there are 672, being an increase of 252 lamps; 59 per cent additional lighting being accomplished by the voluntary reductions made by this company in accordance with its desire to render the cost to the city as low as conditions of production will permit.

"Under present arrangements the city has practical control of the electric lighting system, the lights being ordered on and off at the option of the City Electrician, a system which gives the best results in economy to the city and takes the matter out of the hands of the lighting company. Yours very truly, JOHN A. BRITTON, President."

Following this reading the clerk read the bid of the company as follows:

"For street lights, 24 cents per lamp per hour, and for the lighting of public buildings, for each arc lamp of 2,000 candle power commercially rated at and for the price of \$7.50 per lamp per month, or at the rate of 24 cents per lamp per hour; the number of hours that each lamp is to burn when used in public buildings at the rate of \$7.50 per month not to exceed 1,500 hours per annum; and for incandescent lamps for public buildings by meter measurements, at the rate of 10 cents per thousand watts, subject to the following discounts: For a consumption of over 200,000 watts per month and under 400,000 at 20 per cent, and for a consumption of over 400,000 and under 600,000 at 40 per cent, and for a consumption of over 600,000 watts, 50 per cent, the above amount to be based upon the total registration of all current used by the city of Oakland during any one month, and for gas for public buildings, at the rate of \$1 per thousand cubic feet by meter registration."

The communication, together with the bid, was referred to the Street Lighting Committee.

WILLIAM J. DINGEE

903 Broadway, Oakland.

Executors' Sale

-AT-

AUCTION

By order of Hon. F. B. Ogden and H. M. Sanborn Esq., the executors, and subject to confirmation by the Superior Court, I will sell at Public Auction, on

Saturday, May 25, 1901

AT MY SALESROOM:

No. 903 Broadway, Oakland

all of the real estate belonging to the ESTATE OF ELIZABETH HUTCHINSON, Deceased.

Consisting of the following properties:

Business Property—Lot 50 x 100, on 14th street, (south side) near Washington street, partially improved, now occupied by Sanborn Nursery, steadily increases in value, almost in heart of business center.

Residence Lots on Telegraph Avenue—48 x 140; 60 x 140; very choice, on beautiful avenue.

Five Choice Residence Lots on 26th Street or Bay Place—40 x 100 each, north side of street.

Piedmont Residence Property—Nearly 2 acres, as a whole or in subdivisions, north side of Vernal avenue, near Oakland avenue, at terminus of Piedmont Electric line. Beautiful views.

Broadway and 51st Street—26 Lots 25 x 150 each, facing Broadway, Birch and Diamond streets. Good future.

4 Acres on Pleasant Valley Avenue—Suitable for suburban home or for subdivision, a rapid rise in value anticipated.

20 Choice Lots in Claremont Park—25 x 100 each, rapidly developing. Very choice for investment.

Terms of Sale

Cash to the Hutchinson Estate but we guarantee loans to the purchasers up to 75 per cent of purchase price repayable in annual installments. Low interest.

TITLES ARE PERFECT

Abstracts and Certificates of Title down to date of sale, showing perfect titles, furnished for use of purchasers free.

Send for Catalogues

Carriages at office to show properties. For further particulars apply at office.

WILLIAM J. DINGEE

903 Broadway, Oakland.

PERSONAL

Mr. and Mrs. L. B. Reed of Decoto were visiting friends in Danville last week.

Mrs. McNeil and daughter of Danville were visiting friends at Elmhurst last week.

Mrs. J. L. Emigh of Solano spent last week with relatives in this city.

Will and Irving Robbins, both students at Berkeley, will spend their vacation at their home in Solano.

J. S. Brown of this city was in Los Angeles last week.

Middleton Stansbury and Scott Hendricks are at their home in Chicago for a short visit. Both young men attend the U. C.

H. C. Poole of this city has been visiting friends in Cloverdale.

Mrs. C. E. Frower, who has been visiting in this city, returned to her home in Napa last week.

L. D. Stephens of Napa is in town for a few days.

Mr. and Mrs. John J. Shaw announce the engagement of their daughter, Miss Shaw, to Leslie McKillop. Miss Shaw has been a student at the University of California, and has been a member of the musical circles on both sides of the bay. She is a graduate of Notre Dame convent, Marysville. Mr. McKillop is a Deputy County Clerk.

The wedding will be celebrated at the home of the Shaws on Grove street. None of the details has been arranged yet, but the marriage will take place in the early fall and the young couple will probably take a trip to Mr. Shaw's coffee plantation in South America, after which they will reside in Oakland.

The business section of the Ebell listened to a very interesting address this morning by Miss Jennie Watson, her subject being "Banks and Banking." Her next lecture will be on Wednesday, the 29th inst., at 10 A. M., when she will discuss on "Wills and the Use and Nature of the Probate Court."

Ten Eyck Remsen Boardley, a prom-

ising young attorney of New York, is visiting his cousins, Louis and Hubert Hinkle, at their home on Channing way in Berkeley.

Mrs. Charles Palmer and Miss Rosalie Palmer of Jackson street and Dr. Vida Redington are guests at the Monopoli Orchard, the home of Mr. and Mrs. John G. Howell near Colfax in Placer county.

CAUTION.

We caution the public against buying any of the cheap, worthless carriages to be sold at auction tomorrow, Friday, May 25th, at the pavilion. These carriages were sent to us, but we found them defective in many ways, and they are not well enough built to stand this moist climate, so we were obliged to ask for a heavy discount without any guarantee, but the agent preferred trying to sell the Oakland public to accepting our offer. OAKLAND CARRIAGE AND IMPLEMENT CO., 225-227 Twelfth street, Phil Stein, Manager.

WILL GO EAST

THIS SUMMER

Thousands of people in California will go East this summer, and on account of the special low rates made by the Union Pacific R. R. Co. to different Eastern cities, a vast majority will avail themselves of the excellent service of the "Overland Route."

Three trains leave California daily by this route, and personally conducted tourist excursions are run twice every week. If you are going East, write to or call upon H. V. Blaser, Passenger Agent of the Union Pacific R. R. Co., No. 1159 Broadway Oakland, or D. W. Hitchcock, General Agent, No. 1 Montgomery street, San Francisco, and he will gladly give you full information in regard to your trip, and quote you lowest possible rates.

TEL. PINE 911

H. F. KRAMM,

DEALER IN

Hay, Grain, &

Wood and COAL

N. W. Cor. 19th and

Broadway in

Free and Prompt Delivery

Kahn's—the always busy corner.

A few good Specials for Friday

A Window Full of Sunbonnets

For Ladies—Misses—Children—pink, blue, red, grey, solid and striped—new shapes, new stock, best two bit Sunbonnet. Friday only. 15c

A Window Full of Fancy Ribbons

All silk, all the new colors—and newest patterns, 1 to 4 inches wide. You've paid twenty-five cents for the same Ribbon, Friday only. 10c yard

A Window Full of Ladies' Skirts

Solid colors—pink, blue, navy and lavender. A fine percale trimmed with a band of insertion—over skirt effect—manufactured to retail at one-fifty. Friday only. 66c

A Window Full of Ladies' Fancy Hose

Striped top—black foot—Hermes or dye—none worth LESS than half dollar. Friday only. 33c

Millinery Specials

JUST RECEIVED

An Elegant Line of Children's Trimmed Hats On Sale Friday and Saturday.

Line No. 1.....\$1.50 Line No. 3.....\$2.25
Line No. 2.....1.75 Line No. 4.....3.00
Line No. 5.....\$3.50

A few Lines of FLOWERS—large assortment—new goods—

ROSES—Line 1.....5c bunch
Line 2.....15c bunch
Line 3.....25c bunch

Rose Foliage.....25c Violet Foliage.....10c
Lilies.....15c Field Daisies.....15c
Carnations.....15c Marigolds.....15c

STRAW BRAIDS—Pastel Blues, Green, Violet and Mode—on sale Friday and Saturday.....1c yd

Straw Nettings—12 inches wide, pink, blue, violet.....25c yd

A Word of Advice about

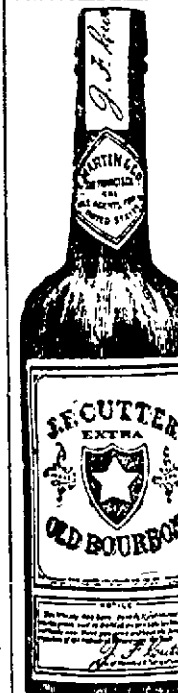
\$5.00 Trimmed Hats

We give the best styles and best values obtainable anywhere in Oakland—visit the Millinery Department. We'll convince you of the truth of this statement.

Kahn Bros.

the always busy store

N. E. 12th and Washington—Oakland



WHEN YOU HAVE THE

Grippe

USE

J. F.

Cutter

Whiskey

—AND—

QUININE

It will cure you

E. MARTIN

& CO.

Sole Agents

54 FIRST ST

San Francisco Cal

I spent more than two years

in the study of examining eyes and in the manufacturing of spectacles, and am a graduate. I have a complete modern plant for grinding lenses, a very important factor in getting results. I can do any part of the work myself if necessary. I employ only competent help. This means much to those needing glasses.

W. H. HUNT
1150 WASHINGTON STREET
Corner Thirteenth, Oakland.

BY ORDER OF THE BANK

Homeseekers Attention!

The Entire Oakland Real Estate Holdings

of the SAN FRANCISCO SAVINGS BANK

have been placed in our hands to BE SOLD

Below foreclosure prices.

Lots right in the city from \$125 up.

Terms extra easy.

Small cash payment. Interest on deferred payments at 6 1/2 per cent.

Investigate before purchasing.

J. H. MACDONALD & CO.

1052 Broadway, Corner 11th Street

"Race Track" Shoeing Shop

JOHN BOHAN, Proprietor.

269 Twelfth Street bet. Harrison

Alec, nearly opposite Club Stable.

Horse-shoeing and all kinds of shoeing and

specialty, shoeing Race Horses.

Telephone Red 45

"Tea Cup"

Old Bourbon

The Best

Shea, Bocqueraz & Co.

Proprietors

525 Market Street

San Francisco.

Ask for it at the bar—Once

taken you'll ask for more.

LIKE THE WHIRLWIND

You go on the

CALIFORNIA LIMITED

but you ride gently

as the breeze

San Francisco

to Chicago in 75

hours on the

SANTA FE

Leaves San Francisco

at 9 a. m. daily

personally conducted excursion through

to Chicago, St. Louis and New York

points, Mondays, Thursdays and Saturdays.

Local and Overland Tickets at

1112 BROADWAY, OAKLAND

Always the Finest

and Freshest Cut

Flowers in Oakland.

Also Plants.

Floral Offerings

A SPECIALTY.

EUGENE LACAZETTE

414 14th St. Opp. Macdonough Theater

Surgery: Tel. Vale 135—Pleasant

Lydia E. Pinkham's

Liver Pills

Headache, resulting from

causes peculiar to women. 25c

AMUSEMENTS

DEWEY THEATRE

Leader—Stevens.

Tough, all the week and Saturday matinee.

The Seven Stars Company.

QUO VADIS

Seals on sale at Smith's Drug Store, 450

Twelfth st., near Broadway, and at Theatre.

Prices—10c, 25c, 50c

MACDONOUGH THEATRE

ALL THIS WEEK AND SATURDAY

MATINEE.

Return of the Regular Favorite

MISS JESSIE SHIRLEY

And Her Company in an Elaborate Pro-

CUMBERLAND 61

The Face House

THE H. C. CAPWELL CO.
12th and Washington Streets.
OAKLAND.

Tailor-made Suits
can nowhere be bought today
with more satisfaction than we
are giving. Prices on highly fin-
ished suits have been reduced
from 20 to 40 per cent and we
guarantee perfect fit, even to the
hard-to-fit.

"Hitch your Wagon to a Star"

—said Emerson, to which we would add—be sure you get the right star. We confidently believe that we are THE star in our particular constellation to which all can with safety and profit, hitch their wagons—in the Emersonian sense:

New Lace Curtains—After the summer home-renovation the old curtains look somewhat worn; they are not as fresh as you would like. Those in the parlors may be good enough for the dining-room, or to put up for bedroom windows. You want new ones to take their places. Yesterday the very newest in Curtains arrived—come in, and delight yourself by inspecting them.

Nottingham Curtains, designed after real Brussels effects: 40 inches to 1 1/2 yards wide—prices 60c, 75c, 85c, \$1.00, 1.25, 1.50, 1.75, 2.00, 2.25, and up to 5.00 pr.

New Ruffled Curtains, plain, figured and dotted, prices 85c, \$1.00, 1.10, 1.25 and up to 2.50 pr. Also, Brussels, Irish Point, Antique, Arabian, and other curtains, ranging from \$3.00 to 15.00 pr.

For Confirmation—Pure white dresses, rightly made, daintily trimmed—for misses from 6 to 14 years. Prices 1.50, 2.25 and up to 4.00

A very desirable confirmation dress is made of good lawn; waist, ruffles over shoulder, cuffs and neck trimmed with Valenciennes lace; full skirt, with deep hem. Price 1.50

Misses' Summer Hats, in perhaps fifty styles. They begin with neat lawn hats, with corded brims and handsomely embroidered crowns, at 65c, and end with an elegant choice of youthful fancy millinery at 5.00

A charming Hat for a little miss is made of fancy straw with novelty crown; pleated lawn brim, edged with satin ribbon, trimmed with rosette and flowers 1.95

MOTHER ARRESTED FOR ABDUCTION.

Lively Battle Over the Custody of a Child.

What promises to be a bitter legal contest over the possession of a two-year-old girl will be brought shortly in one of the departments of the Superior Court in San Francisco, when J. Pedro, known as "Willie's" father, and his wife, Mrs. Marie Dickens, will be the principals.

The Pedro family resided for some years in San Francisco, but their married life was a stormy one, and in 1897 Pedro obtained a decree of divorce from Judge Danneberg of San Francisco on statutory grounds; but the custody of the two-year-old child was awarded to the defendant mother.

Pedro claims that his ex-wife shortly after the divorce left this State suddenly in company with a friend whom he avers formerly had been showing attentions to in his wife.

Accordingly he appeared before the San Francisco Superior Court, and on the strength of a petition containing allegations gravely reflecting upon the ex-wife's character he secured a modification of the original decree of divorce, and was granted an order awarding to him the custody of the two-year-old child, a daughter.

Armed with this order Pedro searched

for and while for his ex-wife during the past year in the hope of regaining control of his child. Last night he met the woman on the street here in company with the child. He advised her of the order of court granting him its custody, but the ex-wife, who since her departure nearly two years ago has become Mrs. Dickens, vigorously refused to give up the child and attempted to flee with her. Pedro persisted and caused her arrest by the policeman on Fourteenth street, on a charge of abduction.

When Mrs. Dickens appeared in the Police Court this morning Pedro was not on hand to swear to a complaint and Police Judge Smith ordered her discharged.

Prosecutor Abe Leach advised her that if there be any further dispute over the possession of the child the Superior Court in San Francisco is the proper place to settle the matter.

Mrs. Dickens stated that she would immediately proceed to have the order granting her husband custody recalled. She is a large woman of 35 summers, of rather striking appearance, and claims that her father was an Indian chief.

THIS DISPLAY AD in today's Tribune should be read regarding the great Wiley B. Allen piano sale.

JESSIE SHIRLEY AT THE MACDONOUGH THEATRE.

At the Macdonough Theatre Miss Jessie Shirley with a very strong cast is presenting "The Girl of the Year," which is a drama of extraordinary strength and value. The play will continue for the balance of this week, when it will be succeeded by another equally as good.

Rev. Potter Will Not Leave.

Through an error it was stated last week that Dr. Potter was going to Korea. It is Dr. Potter, H. Miller who is going to Korea. Mr. Potter has no intention of leaving Union Street Church, which is so prosperous and busy, as he believes, a splendid future of usefulness.

CONTRA COSTA COMPANY ASKS FOR FAIRNESS AND JUSTICE.

Impressive Statement By Manager Adams Before the City Council of the Company's Policy.

When the Council met last night to consider water rates, Councillor and Director tried to sidetrack the investigation by springing a humorous question regarding Judge Hart's decision, but Wallace did not second them, and they were finally compelled to submit. When Chairman Bishop of the Fire and Water Committee moved to take up the matter of fixing water rates for next year, Mr. Wilson suggested that it would be wise to agree upon a line of procedure so as to expedite the investigation.

Arthur L. Adams, manager for the Contra Costa Water Company, arose and said:

"I do not presume to dictate the course which you should pursue," said Mr. Adams, "but I would suggest, and I think the suggestion is proper in view of the fact that I am the manager and representative of a corporation having large interests at stake, that I be permitted to make a statement on behalf of the company. And I suggest that I be allowed to read a report I drew up last fall dealing with the valuation of the water company's property. It contains information that would probably require two or three evenings to bring out by questioning."

"Before I begin I should like to make a statement regarding the attitude of the water company toward the city and the relations that must exist between the two in the future."

"In the past the Contra Costa Water Company has not always pursued a course which has won popular approval. There has been a more or less strained relation existing between the City Council and the company. I desire to remind you at the outset of this investigation that the affairs of the company are now directed by an entirely new set of men, who have views that are different in many respects from those of their predecessors concerning the attitude water companies should bear toward municipal authorities in this State."

"We desire that there should be a feeling of an effort toward mutual cooperation in the matter of fixing water rates, so that the lowest rates possible may be secured that are consistent with a recognition of the company's legal rights."

"I desire to impress upon you that every word spoken here is said with sincerity and with authority. You and I realize that anything in the nature of a contest will be detrimental to us both. Litigation is expensive. We realize that in this State water works are practically under the control of municipal bodies. And as long as they fix the rates we do not hope to receive anything but the bare interest on the value of the property."

"We are perfectly willing under any ordinance you may enact that any surplus over and above that interest shall go to the creation of a sinking or a renewal fund that shall go toward lessening the rates to consumers in some way. We expect that to be accomplished in the future. The books and accounts of the company shall be open to any one who has any claim to investigate them. There will be nothing to conceal. On the other hand, we expect you will give our legal rights attention. The company is fought for what it considers to be its rights, and we will fight again in the future if it shall be necessary. But we hope you will treat us as fairly as we treat you. I am satisfied when each of us understands the other that we will be disposed to meet each other on a fair basis."

Mr. Adams then took up his report, which presents a valuation of the property of the company's plant as arrived at. Incidentally the report discusses the legal relations a water company bears to the municipality, and the necessary financial consequences that must flow from such a relation. By two distinct methods he demonstrated the value of the Contra Costa plant to be over \$500,000. First he took up the amount that had been expended for the investment in excess of net returns to stockholders, over and above the cost of operation and repairs, had been a little over \$120,000. This determined the amount of original investment.

Then he entered into an exhaustive financial analysis to determine the value of the property necessary use at the present day. From this calculation he excluded all abandoned, discarded and unused structures and property, but included \$14 as a fund to provide for past depreciation that the rates had not provided for in former times, and also \$100 for enhanced value of property now in use, principally the San Leandro reservoir. By this last method he placed \$1,600,000 as the value of the property at the present day.

"This valuation does not include the Pleasanton sink, the pipe works and the abandoned dam and structures," he said.

"Does it include what is known as the 'West Oakland settling basin'?" asked Professor Wallace.

"Yes, because that property is necessary to the efficiency of the plant. It should be completed and used, and the

work previously done on it can be utilized in making it available. The basin was never completed because of complications in the past which I hope will not exist in future. It is the intention of the company to complete it and place it in operation. Hence I have included it in the valuation."

Further along Mr. Adams said he would submit a complete schedule of the company's property, with a narrative valuation for each part and the basis for such valuations. While Mr. Adams was reading Councillor interrupted to inquire if he might ask questions.

"I would prefer that you make notes and ask the questions after I have concluded reading," replied the manager.

Mr. Adams was listened to with great attention. He has the faculty of making himself thoroughly understood, and his manner is so frank and unassuming that he was soon on the best of terms with his hearers. He had his subject so well in hand, and has such complete mastery of its details, that he was enabled to meet the dry question of rates and values with unusual interest.

Professor Wallace was a most attentive listener and took copious notes on the reading progress. At the close Mr. Courtney said he would like to ask a couple of questions.

"Mr. Adams, as the stated investment in the plant more than \$500,000 or less than that amount?" he inquired.

"It is conclusively to my mind that the investment is in the neighborhood of \$500,000," replied Adams.

"Does that include any appreciation of values?" asked Wallace.

"It does. I am glad you called my attention to that. In my financial analysis by which I reached the \$500,000 valuation I included the abandoned structures, and certain unused property, but the value of the settled basin of the San Leandro reservoir. The Pleasanton sink and the pipe works would make up the difference. They are included in the total investment, but are excluded from this valuation. Excluding them the cash investment of the property now in use is a little under \$500,000, but persons of the property have considerably enhanced in value."

"Does water cost more per thousand gallons in Oakland, or less than in other cities?" persisted Courtney.

"It costs a great deal less than in San Francisco. In San Francisco the charge per inch of water is about double what it is in Oakland, and the charge per thousand gallons is still higher. In the Eastern cities generally the rates are lower than here because of the greater abundance of water supply and the greater natural facilities for making it available. In California we have a semi-arid region which renders water more difficult and expensive to get, and hence more valuable. We do not have plentiful flowing streams or large lakes from which a permanent supply can be drawn. This lack entails the necessity of impounding the rainfall at heavy cost. The lack of available reservoirs with suitable drainage areas enhances the expense of water development."

The Council then adjourned to meet again this evening. Several of the members came up to Mr. Adams to be instructed. Dornan, among them. Dornan asked Mr. Adams for a memorandum of his points, which the latter promised to give him.

W. S. PALMER IS THE LUCKY MAN.

West Oakland Man Will Succeed J. B. Wright.

W. S. Palmer, assistant superintendent at the West Oakland mole, has been appointed division superintendent to succeed J. B. Wright of Sacramento, who has resigned as superintendent on that division.

The appointment is a happy one, as Mr. Palmer is one of the most popular railroad men at West Oakland. By hard work and close application to business Mr. Palmer has worked his way up the railroad ladder to near the top. He has earned the honor and confidence reposed in him.

Mr. Palmer was born in San Francisco in 1858 and was educated in the public schools. He graduated from the University of California in the college of Civil Engineering in 1880. He entered the employ of the Central Pacific Company in August, 1886, and worked for four years in the bridge and building department as laborer, carpenter and draughtsman.

Mr. Palmer worked seven years in the engineering department of the Southern Pacific Company on location, transit man and chief of party. Then he worked four years as contracting engineer for the firm of Palmer & Storey, and built the Costa and Lake Railroad, the Yuba Railroad and the Fugate Valley Railroad.

Subsequently he worked eight years as resident engineer in charge of the maintenance of track, bridges and buildings on the Sacramento and Western Division. For two years he has been assistant superintendent and resident engineer of the Western Division and stationed at the West Oakland mole.

Mr. Palmer has a host of friends who will be delighted to hear of his merited promotion.

Will Compromise.

Judge Hall has decided in favor of the suit of the suit of G. M. Wilson against Anna Simon for possession of a house in Berkeley. Mrs. Simon, as administratrix of the estate of Eliza A. Nichols, has been granted permission by the court to compromise her suit against Wilson, also for possession of Berkeley property, for \$1,600.

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A DEMAGOGUE'S QUEER ANTICS.

Another Attempt to Compel Closing of High Schools.

J. C. Councillor came into the Council last night under great atmospheric pressure. When Chairman Courtney presented a resolution reported by the Finance Committee instructing the Board of Police and Fire Commissioners to order the closing of the high schools for the present year, Councillor suggested that he take it home with him and read it where the reading would disturb nobody. Nevertheless his eloquence blew to many points of contradictions, in which the resolution, the constitution, water rates and the Auditor and Treasurer became hopelessly mixed in a whirling mass like leaves and straw in a Kansas dust cloud.

The Councillor took turns at sitting on him, but they only squeezed out more words. Finally City Attorney Johnson asked the storm by disposing of Councillor's fantastic notions relating to the first place, the Council had not received formal notice of Judge Hart's decision, and second, to fix rates now would be to shut out the right of appeal. Third, the city could legally compromise its bills with any individual man.

Councillor Bishop hesitated to Councillor's talk for awhile and then said: "I believe it is a well settled principle of law that any individual can compromise the payment of any bills due him and any other individual can likewise compromise any bills he may owe. I see no reason why a municipal corporation cannot do the same."

Dornan chimed in with a faint echo of his member's queer pleas, saying that the constitution was "pre-emptory" about fixing water rates.

"How can we fix rates when the time for fixing them has passed?" demanded Wilson.

"Mr. Johnson, could not any rate payer compromise his bills with the water company?" asked Bishop.

"Make a voluntary payment in settlement of his bills?" inquired the City Attorney.

"Yes, and take a receipt in full."

"Speaking of hand, I should say he could, and I think the city can do the same."

"There you are," said Bishop.

"Suppose the Council should now fix rates for this year three times higher than the rates the company has been collecting, could not any ratepayer go into court and prevent the water company from going back on the ratepayers and collecting the excess?" asked Wilson.

"I believe he could," replied the City Attorney.

OLD SOAKERS
Get Saturated With Caffeine.

When a person has used coffee for a number of years and gradually declined in health, it is time the coffee should be left off in order to see whether or not that has been the cause of the trouble.

A lady in Huntsville, Ala., Mrs. S. M. Bradley, says she used coffee for about 40 years, and for the past 20 years was troubled with stomach trouble. "I have been treated by many physicians, but all in vain. Everything failed to perfect a cure. Was prostrated for some time, and came near dying. When I recovered sufficiently to partake of food and drink I tried coffee again and it soured on my stomach."

"I finally concluded coffee was the cause of my troubles and stopped using it. I tried tea and then milk in its place, but neither agreed with me, then I commenced using Postum Food Coffee. I had it properly made and it was very pleasing to the taste."

"I have now used it four months, and my health is so greatly improved that I can eat almost anything I want and can sleep well, whereas, before, I suffered for years with insomnia."

"I have found the cause of my troubles and a way to get rid of them. You can depend upon it I appreciate Postum."

Attorney
"I came in here tonight with the intention of voting against the resolution, but since I have heard what the City Attorney has had to say I shall vote for it," said Professor Wallace.

"This question was all gone over last Monday night," said President Schaffer, "and the question of the legality of the Council's action is something that cannot be decided here. We have passed a resolution instructing the Board of Public Works to order public certain water bills. This resolution instructs the Board of Police and Fire Commissioners to order public similar bills. The legal questions involved cannot be settled by voting down this resolution. Any question of legality must be settled elsewhere, and by others. Call the roll."

The resolution was adopted, Councillor and Dornan voting no.

Professor Wallace's refusal to second the scheme to compel the schools to be closed evidently depressed Councillor and Dornan, who endeavored to disguise their purpose under the pretense of a center regard for the water company's interest.

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CAUTION!

We caution the public against buying any of the cheap worthless carriages to be sold at auction Tomorrow Friday May 24th, at the pavilion. These carriages were sent to us, but we found them defective in many ways, and they were not well enough built to stand this moist climate, so we were obliged to ask for a heavy discount without any guarantee, but the Agent preferred trying to gull the Oakland public to accepting our offer.

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ALAMEDA

DAMAGE WILL SUE COUNTY.

Demands Damages Be- cause Bridge Broke Down.

HAYWARDS, May 25.—W. A. Hargrave, town constable and town collector has decided to begin suit against the county for \$4,000. On the night of May 10th, Hargrave and Dr. O. D. Hamlin, were driving across a bridge of the Redwood road when the structure gave way and the rig was thrown into the bed of the creek below. Dr. Hamlin died instantly, but Hargrave was badly bruised, the horse was killed and the buggy smashed to pieces. Hargrave put in a claim to the county, but District Attorney Allen has decided that the Supervisors need not allow it.

The following is a list of letters a marriage intended for in the San Antonio office, May 22, 1907: Juan Solis and Cecilia, Mrs. John Anderson, Mrs. B. M. Mott, below, B. F. Conner, Mrs. G. W. Ferris, Mr. J. D. Burre, C. Johnson, Mr. Henriques, Inacio, Magallanes, Mr. Ignacio Rodriguez, Jose S. S. Los Santos, Manuel, Francis, S. H. S. Mrs. Frank Church, P. M.

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